

**UNITED STATE DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 19-CR-13 (WMW/DTS)**

UNITED STATES OF AMERICA,

plaintiff,

v.

BRETT PALKOWITSCH,

defendant.

**DEFENDANT'S MOTION IN
LIMINE No. 2. SEEKING
EXCLUSION OF NEWSPAPER
ARTICLE**

Brett Palkowitsch by and through counsel, Deborah Ellis and Kevin Short, respectfully moves this Court for a pretrial order directing that the government be precluded from presenting evidence regarding a newspaper article posted in a police station locker room and upon which someone wrote, "RAT." The newspaper article contains hearsay and is inadmissible under Rule 801, Federal Rules of Evidence. The article and notation also cannot withstand Rule 403 analysis, i.e., any probative value of the evidence is outweighed by unfair prejudice and confusing the issues.

Dated: October 22, 2019

Respectfully submitted,

By: /s/ *deborah ellis*

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